

Notice of Allowability

Application No.

10/059,926

Examiner

Jonas N. Strickland

Applicant(s)

DAAGE ET AL.

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 3/18/2004.
2. ☒ The allowed claim(s) is/are claims 1-33.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Allowable Subject Matter

1. Claims 1-33 are allowed.
2. The following is an examiner's statement of reasons for allowance: The instant application is allowable over the cited prior art, because the cited prior art fails to disclose a process for the enhancement of a used metal catalyst for the catalytic hydrogenation of carbon monoxide, wherein the catalyst comprises Co, Ni, Cu, Ru, Rh, Pd, Os, Ir, Re and Pt, the process comprising decreasing the hydrocarbon content; calcining under an oxidant-containing atmosphere; impregnating with a solution of metals; calcining under an oxidant atmosphere; and reducing with a hydrogen-containing gas.

Mitchell discloses a process for the activation of hydrocarbon synthesis catalysts by contact with hydrogen at elevated temperature and pressures and in the presence of liquid hydrocarbons (see abstract). The catalyst metal is preferably a Group VIII metal, such as cobalt or ruthenium and may also have a promoter, such as ruthenium and rhenium (col. 3, line 52 – col. 4, line 24). Mitchell continues to disclose wherein the catalyst is prepared by impregnation of a cobalt nitrate and then the promoter and furthermore, followed by drying and calcinations and then reduction with hydrogen. Mitchell also discloses wherein the treatment with hydrogen, whether first or second or subsequent hydrogen treating step, is usually performed ex-situ, but can be performed in the reactor just prior to start up, particularly for fixed bed units (col. 1, lines 23-29). However, Mitchell does not teach calcining the spent catalyst before promoter impregnation.

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The Examiner cited Clark et al., which teaches a process for regenerating a spent catalyst, wherein the catalyst is initially subjected to an oxidation step, wherein the catalyst is contacted with an oxygen-containing gas at about 400°F to about 700°F. Clark et al. continues to teach wherein subsequently to the initial decoking step at least one rare earth metal is incorporated with the partially decoked spent catalyst (col. 9, lines 50-65). Clark et al. continues to teach wherein the promoters may include lanthanum and cerium (col. 9, lines 66-68). The metals are impregnated as a salt of nitrate, as well as acetate (col. 10, lines 65-67). However, Clark et al. is not directed towards a process for the catalytic hydrogenation of carbon monoxide, but rather a hydroprocessing catalyst

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonas N. Strickland whose telephone number is 571-272-1359. The examiner can normally be reached on M-TH, 7:30-5:00, off 1st Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jonas N. Strickland
May 27, 2004



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700